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Before the

OCT 12 2005

Federal Communications Commission
Office of Secretary

) MB Docket No. 04-427
) RM-11127
) RM-11239
)

REQUEST FOR WITHDRAWAL AND CLARIFICATION

The Bureau held that the transmitter sites for three stations (KOSY-FM, KDWY(FM) and a new station at Huntington, Utah) proposed by the Joint Parties were defective. In regard to Station KOSY-FM, the Joint Parties merely proposed to change the channel of the station at its current transmitter site. KOSY-FM has been operating from this transmitter site since 2003, and the Bureau has twice granted applications for KOSY-FM which specified this transmitter site.

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List A B C D E

See File Nos. BPH-19990524IF and BMPH-20011206AAT. However, the Bureau in its decision in this proceeding found the site defective because it did not provide community coverage. This ruling should not be permitted to stand and become precedent in future cases because under this ruling, stations that are issued an Order to Show Cause (OSC) can successfully defeat the OSC by stating that their existing site is defective!

With respect to the Huntington application, without reason or explanation, the Bureau determined that the Joint Parties' proposal was defective because it would require too tall a tower. The Bureau's conclusion is illogical because here again, if there were any defect, the Huntington application would not have been granted. The Joint Parties merely had to show that the channel substitution could be made. It was not incumbent upon the Joint Parties to demonstrate that the application did not have a defect, especially now that it has been granted.

In regard to Station KDWY(FM), the Bureau determined that this allotment was defective because it would require a tower of 448 meters above ground level. However, this determination conflicts with the Commission's rules for Class C stations and does not take into account the fact that the proposed site is an existing tower with four stations on a master antenna.

The rulings in this proceeding seem to give the allocations staff the ability to call these application grants into doubt. However, the Audio Division's allocations staff should defer to the Audio Division's applications processing staff as to whether the line-of-sight decision was proper. Therefore, the proposal to change a channel at an existing site should not implicate any factors that relate to an existing site.

Affidavits pursuant to Section 1.420(j) of the Commission's Rules are attached regarding the Joint Parties' withdrawal.

Respectfully submitted,

MILLCREEK BROADCASTING, LLC

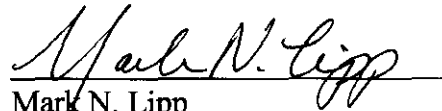
SIMMONS SLC-LS, LLC

ROCKY MOUNTAIN RADIO NETWORK, INC.

3 POINT MEDIA – COALVILLE, LLC

COLLEGE CREEK BROADCASTING, LLC

By:



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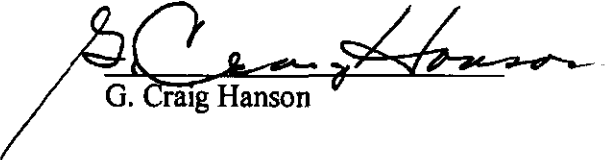
October 12, 2005

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CERTIFICATION OF SIMMONS SLC-LS, LLC

I, G. Craig Hanson, Manager of Simmons SLC-LS, LLC ("Simmons"), hereby state that there are no agreements, written or oral, express or implied, relating to the withdrawal of Simmons' Petition for Reconsideration and Counterproposal in MB Docket No. 04-427. Neither Simmons nor any of its principals, agents, or representatives have been paid or promised any payment or other consideration in exchange for the withdrawal of Simmons' Petition for Reconsideration and Counterproposal in MB Docket No. 04-427.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on this 6th day of October, 2005.


G. Craig Hanson

CERTIFICATION OF 3 POINT MEDIA - COALVILLE, LLC

I, Bruce Buzil, Manager of 3 Point Media - Coalville, LLC ("3 Point"), hereby state that there are no agreements, written or oral, express or implied, relating to the withdrawal of 3 Point's Petition for Reconsideration and Counterproposal in MB Docket No. 04-427. Neither the 3 Point nor any of its principals, agents, or representatives have been paid or promised any payment or other consideration in exchange for the withdrawal of 3 Point's Petition for Reconsideration and Counterproposal in MB Docket No. 04-427.

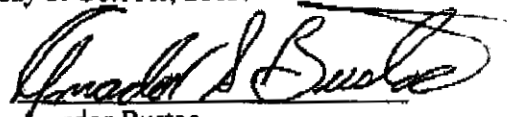
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on this 6th day of October, 2005.


Bruce Buzil

CERTIFICATION OF ROCKY MOUNTAIN RADIO NETWORK, INC.

I, Amador Bustos, the President of Rocky Mountain Radio Network, Inc. ("Rocky Mountain"), hereby state that there are no agreements, written or oral, express or implied, relating to the withdrawal of Rocky Mountain's Petition for Reconsideration and Counterproposal in MD Docket No. 04-427. Neither Rocky Mountain nor any of its principals, agents, or representatives have been paid or promised any payment or other consideration in exchange for the withdrawal of Rocky Mountain's Petition for Reconsideration and Counterproposal in MB Docket No. 04-427.


I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on this 6th day of October, 2005.


Amador Bustos

CERTIFICATION OF MILLCREEK BROADCASTING, LLC

I, Bruce Buzil, Managing Member of Millcreek Broadcasting, LLC ("Millcreek"), hereby state that there are no agreements, written or oral, express or implied, relating to the withdrawal of Millcreek's Petition for Reconsideration and Counterproposal in MB Docket No. 04-427. Neither Millcreek nor any of its principals, agents, or representatives have been paid or promised any payment or other consideration in exchange for the withdrawal of Millcreek's Petition for Reconsideration and Counterproposal in MB Docket No. 04-427.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on this 6th day of October, 2005.



Bruce Buzil

CERTIFICATION COLLEGE CREEK BROADCASTING, LLC

I, Neal J. Robinson, President of College Creek Broadcasting LLC ("College Creek"), hereby state that there are no agreements, written or oral, express or implied, relating to the withdrawal of College Creek's Petition for Reconsideration and Counterproposal in MB Docket No. 04-427. Neither the College Creek nor any of its principals, agents, or representatives have been paid or promised any payment or other consideration in exchange for the withdrawal of College Creek's Petition for Reconsideration and Counterproposal in MB Docket No. 04-427.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on this 6th day of October, 2005.



Neal J. Robinson

CERTIFICATE OF SERVICE

I, Diana Gonzales, in the law firm of Vinson & Elkins, do hereby certify that I have on this 12th day of October, 2005, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Request**" to the following:

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(*Counsel to Petitioner*)

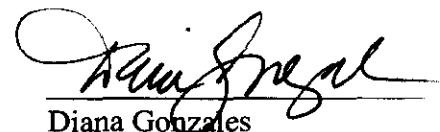
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Evans Broadcasting, Inc.
Rt. 2, P.O. Box 2384
Roosevelt, UT 84066


Diana Gonzales

* HAND DELIVERED